



Water Quality NewsFlash

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Ocean Plan – Clarification – As noted in last week's NewsFlash, the State Water Resources Control Board is planning to address four key issues as part of the Triennial Review of the Ocean Plan. The Board also recently announced a new hearing to address additional issues. In a supplemental notice, the Board has clarified that they are soliciting comments regarding 1) the four proposed amendments currently being considered by SWRCB staff; 2) the unresolved, outstanding issues from previous Triennial Reviews; and 3) any other issue that the commentator may feel is important to consider. The public hearing will be held on May 24, 2004. The comment period has been extended to May 17. Public notices and related information: <http://www.swrcb.ca.gov/plnspols/oplans/>

Construction Runoff – U.S. EPA decides not to issue Effluent Guidelines – As specified in the Clean Water Act, "BCT/BAT" is the minimum performance standard for industrial-type wastewater discharges including construction site stormwater runoff. BCT stands for *Best Conventional Pollutant Control Technology* and applies only to the following pollutants: suspended solids (TSS), BOD (a measure of oxygen demand), pH, fecal coliform bacteria, and oil & grease. *Best available technology economically achievable* (BAT) applies to toxic pollutants such as metals and pesticides, as well as "nonconventional pollutants," which includes everything else.

Unfortunately, what BCT/BAT actually means for stormwater is not clear. Normally, both BCT and BAT are numeric limits which are defined by EPA for the specific industry involved (these are called "effluent limitations guidelines"). The published guidelines usually provide either a concentration limit or a pound pollutant/per pound product type of limitation. In the absence of these guidelines, BCT/BAT is based on a case-by-case determination by the permit writer. These case-by-case determinations are supposed to be documented and must address specific criteria listed in the federal regulations. For BCT, the criteria specify that the costs should not be excessive when compared with the costs (per pound of pollutant) achieved by sewage treatment plants.

U.S. EPA had been intending to develop effluent limitations guidelines for construction site runoff. EPA has now announced that it will not develop the guidelines and will leave the determination of construction site BCT/BAT to the permit writers. In practice there is a generally accepted batch of BMPs that presumably meet BCT/BAT. Unfortunately, the standard is not always consistent between Regional Boards and also may come into question when an exceptional event occurs such as a very heavy rainstorm. <http://www.epa.gov/guide/construction/rule.html>

Analytical Methods – EPA proposes new water tests – The proposed changes to analysis and sampling procedures include a less expensive mercury method (245.7) to replace the costly current ultra-clean method 1631. The new method will facilitate testing for the upcoming mercury TMDLs. Also included are methods for detecting cyanide and assessing acute toxicity. Comments are due June 7. <http://www.epa.gov/fedrgstr/EPA-WATER/2004/April/Day-06/w6427.htm>

WQ NewsFlash is a weekly update of storm water and related news for the Department. *Verify information before taking action on these bulletins.* Contact Betty Sanchez, Betty_Sanchez@dot.ca.gov (916) 653-2115, or Fred Krieger, (510) 843-7889, fkrieger@msn.com with questions or to be added or deleted from e-mail list. Posted & searchable online at: <http://www.dot.ca.gov/hq/env/stormwater/publicat/newsfax/index.htm>